

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

THE STATE OF ARIZONA, et al.,

PLAINTIFFS,

v.

MERRICK GARLAND in his official capacity
as Attorney General of the United States of
America; et al.,

DEFENDANTS.

CIVIL ACTION NO. 6:22-cv-01130

DECLARATION OF TODD BENSMAN

I, Todd Bensman, am over eighteen years of age and competent to testify. I declare as follows based on my personal knowledge:

1. I worked for 23 years as a reporter on staff for *The Dallas Morning News*, *CBS*, and *Hearst Newspapers*. After the events of 9/11/2001, I began to specialize in national security and long-form reporting. My reporting on migration from Islamic countries and cross-border gun smuggling earned National Press Club awards in 2008 and 2009, respectively.

2. In 2009, I joined the Texas Department of Public Safety as an analyst and manager of an analytical unit. I worked frequently with FBI Joint Terrorism Task Forces, ICE, the FBI's Terrorist Screening Center, and DHS Intelligence & Analysis Division.

3. In 2018, I left Texas DPS and joined the Center for Immigration Studies as a Senior National Security Fellow. I am currently an investigative author; I published books on border security issues in 2021 and 2023.

4. On July 26, 2023, I testified at a joint hearing of two subcommittees of the House Committee on Homeland Security regarding border security and counterterrorism.

5. In early September 2023, I accompanied uniformed agents of the U.S. Border Patrol near the Texas border with Mexico. I video recorded an approximately two minute conversation with an individual known to me as a U.S. Border Patrol agent in front of a crowd of migrants. The U.S. Border Patrol agent was in uniform and armed. To the best of my knowledge, the U.S. Border Patrol agent was on duty.

6. A true and accurate copy of that video is attached hereto as Exhibit 140 (Manual). The video is a true and accurate representation of things I observed and a conversation I participated in.

7. The uniformed agent is visible from the neck down in the closing seconds of the video.

8. The following is a true and accurate transcript of that video, to the best of my ability:

BP AGENT: They tell them everything.

BENSMAN: Why are they so prepared, every one of them?

BP AGENT: Cartel tells them everything. Everything is word of mouth. These guys know everything that we do. That's just the way it is.

BENSMAN: Right. I mean, everybody has their birth certificates. Preprinted from their government. They knew what to bring here -- before they left.

BP AGENT: They know the whole drill. They know what to say when it comes to asylum. Ask a thousand of them, a thousand of them will tell you: "Why are you asking for asylum?" It's "[s]omebody wants to kill me."

BENSMAN: Ah ha.

BP AGENT: Thousand of a thousand. That's the way it is.

BENSMAN: And they're not giving them asylum interviews—as far as we know—here?

BP AGENT: Well, I can't attest to that. I just know--I'm not there to see that.

BENSMAN: Yeah, ok.

BP AGENT: Obviously they're coming because they're getting released.

BENSMAN: This is interesting though, because you have like one parent and one kid, one parent, one kid. Right? They're not together, are they?

BP AGENT: No.

BENSMAN: One parent, one kid. One parent, one kid. That is because they get social security? Or what's the benefit they get?

BP AGENT: Well, they get a check every month.

BENSMAN: They get a check?

BP AGENT: Yep. A cost of living check, along with housing and food and free medical.

BENSMAN: How much is the cost of living check?

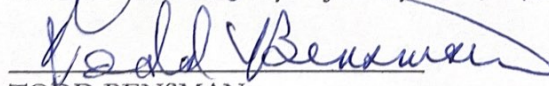
BP AGENT: From my understanding, I've heard it's around twenty-two hundred.
BENSMAN: And it's for one parent, one kid? And then...
BP AGENT: Yep.
BENSMAN: And then do you think the scam here is that the other parent--if there's another kid-- is coming in and then they double dip?
BP AGENT: Oh yes.
BENSMAN: Is that what's going on?
BP AGENT: Yes. Very easy. Very easy. Plus they get a ticket to wherever they want to go. They get a ticket to wherever they want to go. They use to do the monitors on the ankle, and those were being cut off, so now they give them phones.
BENSMAN: Well it is interesting that there's no mom with this, there's no husband here. No dad. No dad. No dad. They're all single parents. How is that everybody is a single parent?
BP AGENT: They probably already have a relative here. Or their significant other is probably already here. Is probably already here.
BENSMAN: Or coming?
BP AGENT: Or coming. One and one.
BENSMAN: Thank you.

9. I posted this video to my Twitter account on or about September 6, 2023.

10. Further declarant sayeth naught.

**I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE
UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND
CORRECT. 28 U.S.C. § 1746.**

Executed on this 18 day of January, 2024, in AUSTIN, TEXAS


TODD BENSMAN